NORTH REGIONAL CONTRACTING OFFICE

INDIVIDUAL SET-ASIDE CONTRACTS (ISA)

08 April 2011

WHAT IS AN ISA?

- ISA contracts are contracts with individual health care providers to acquire the services of health care professionals.
- In other words, the contracts are awarded to individuals rather than a company.
- Is not a Small Business Administration program subject to FAR Part 19.
- Appropriate to use in certain circumstances such as acquiring a scarce specialty of filling vacancies in a remote market/location.

WHEN SHOULD YOU CONSIDER USING AN ISA?

- ISA’s should only be used after consideration of cost impacts
- Cost considerations include efforts required to recruit, credential, relocate, train, pay (fringe benefits and tax considerations), document, supervise, access, and schedule.

CONTRACTING OFFICER RESPONSIBILITY

- The contracting officer must provide adequate advance notice of contracting opportunities to individuals residing in the area of the facility. The notice must include the qualification criteria against which individuals responding will be evaluated. The contracting officer shall solicit applicants through at least one local publication which serves the area of the facility. Acquisitions under this section for personal service contracts are exempt from the posting and synopsis requirements of FAR Part 5.

- Individuals shall be considered solely on the professional qualifications established for the particular health care services being acquired and the Government's estimate of reasonable rates, fees, or costs. The representative(s) responsible for the evaluation and ranking shall provide the contracting officer with rationale for the ranking of the individuals consistent with the required qualifications.

CONTRACTING OFFICER RESPONSIBILITY (CONTINUED)

- Upon receipt from the facility of the ranked listing of applicants, the contracting officer shall either:

1) Enter into negotiations with the highest ranked applicant. If a mutually satisfactory contract cannot be negotiated, the contracting officer shall terminate negotiations with the highest ranked applicant and enter into negotiations with the next highest.

Or,

2) Enter into negotiations with all qualified applicants and select on the basis of qualifications and rates, fees, or other costs.

CONTRACTING OFFICER RESPONSIBILITY (CONTINUED)

- In the event only one individual responds to an advertised requirement, the contracting officer is authorized to negotiate the contract award. In this case, the individual must still meet the minimum qualifications of the requirement and the contracting officer must be able to make a determination that the price is fair and reasonable.

- If a fair and reasonable price cannot be obtained from a qualified individual, the requirement should be canceled and acquired using procedures other than those set forth in DFARS 237-104.

INDIVIDUAL VS COMPANY

- ISAs do not allow for replacement of providers. Companies must provide replacement providers as outlined in the performance work statements.

- Will have to write a new contract each time a health care professional is needed. Will not have to write a new contract if awarded to a company.